

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

21-cv-03496-AMO Surgical Instrument Service Company, Inc. v. Intuitive Surgical, Inc.

## TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF ATTORNEY:	DEFENSE ATTORNEY:
Araceli Martínez-Olguín	Richard McCaulley, Joshua Van Hoven, and Anthony E. Dowell	Kenneth Gallo, Joshua Hill, Paul Brachman, William Michael, and Crystal Lohmann Parker
TRIAL DATE: January 10, 2025	REPORTERS: Ruth Levine Ekhaus	CLERK: Alexis Solorzano Rodriguez

EXHIBIT NO.	TIME OFFERED	ID	DESCRIPTION
	8:03 AM		Court called into session. The Court DENIED Defendant's motion to strike testimony of Jean Sargent. The Court found that Plaintiff had proffered evidence sufficient to establish a foundation for the Rule 803(3) exception to apply, and permitted limited testimony otherwise excluded by the Court's ruling on Intuitive's Motion in Limine #1.
	8:30 AM		Court in recess.
	8:47 AM		Court back in session. Proposed edits to jury instructions regarding the FDA discussed.
	9:07 AM		Court in recess.
	9:16 AM		Court back in session. Jury brought into courtroom.
	9:19 AM		Witness Mr. Keith Johnson called back to the stand. Plaintiff's counsel, Richard McCaulley, continued direct examination.
	9:58 AM		Jury excused for break.
	10:00 AM		Court in recess.
	10:11 AM		Court back in session. Jury brought back into courtroom. Plaintiff's counsel, Richard McCaulley, continued direct examination of Keith Johnson.
	10:45 AM		Defense counsel, Kenneth Gallo, began cross-examination of Keith Johnson.

1674-R	11:34 AM	08/09/2019 Email chain ending with email from K. Johnson to B. Mirsberger and S. Vanderzee re Keith J SIS - Thanks, with attachments.	Admitted and published to the jury.
1546	11:41 AM	08/26/2019 Email chain ending with email from B. Mirsberger to K. Johnson re Intuitive Si/SIS reprocessed instruments proposal	Admitted and published to the jury.
232	11:50 AM	03/16/2021 Email chain ending with email from K. Johnson to J. Ayers re Keith J SIS - robotic program.	Admitted and published to the jury.
234-R	11:54 AM	11/26/2019 Letter from R. Denis and K. Reiter to Dr. E. Pifer, L. Domanico, and J. Friedenberg re "refurbished" EndoWrist instruments.	Admitted and published to the jury.
	11:58 AM		Jury excused for lunch break.
	11:59 AM		Court in recess for lunch.
	12:50 PM		Court back in session.
	12:51 PM		Jury brought back into the courtroom.
235	12:53 PM	12/10/2019 Email chain ending with email from K. Blenis to K. Johnson et al. re Marin Health - Patient Safety Implications Letter	Admitted and published to the jury.
1557	1:01 PM	07/24/2019 Email from K. Johnson to M. Gender re Keith J SIS - robotic program, with attachments	Admitted and published to the jury.

137-R	1:02 PM	06/02/2020 Email from K. Johnson to J. Contreras et al. re Keith J SIS - Vizient presentation, with attachments	Admitted and published to the jury.
139	1:06 PM	08/02/2019 Email from K. Johnson to B. Paulsen et al. re Keith J SIS - da Vinci endowrist	Admitted and published to the jury.

### **TRIAL SHEET, EXHIBIT and WITNESS LIST CONTINUED**

<b>EXHIBIT NO.</b>	<b>TIME OFFERED</b>	<b>ID</b>	<b>DESCRIPTION</b>
1514	1:14 PM	11/22/2019 Email chain ending with email from K. Johnson to N. Jarquin et al. re Zoom meeting invitation - SIS robotic discussion	Admitted and published to the jury.
	1:36 PM		Jury excused for break.
	1:38 PM		Court in recess.
	1:46 PM		Court back in session. Jury brought back into courtroom.
	1:54 PM		Sidebar.
	1:58 PM		Sidebar concluded.
	1:59 PM		Plaintiff's counsel, Richard McCaulley, began re-direct examination of Keith Johnson.
	2:06 PM		Sidebar.
	2:09 PM		Sidebar concluded. Plaintiff's counsel, Richard McCaulley, continued re-direct examination of Keith Johnson.
	2:31 PM		Jury admonitions given by the Court.
	2:33 PM		Jury excused for the day. Discussion from sidebar continued outside presence of the jury in open court. Counsel to submit joint email proposal or competing plans for dealing with deposition testimony and exhibits due by 5:00 PM PST.
	2:54 PM		Court adjourned for the day.